

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

DECISION AND ORDER
12-CR-322-A

ALFREDO ALVAREZ-MARTINEZ,

Defendant.

This case was referred to Magistrate Judge Jeremiah J. McCarthy for supervision of all pretrial proceedings. On January 17, 2013 and April 5, 2013, defendant Alvarez-Martinez filed motions seeking suppression of evidence seized upon execution of a search warrant at 176 Germaine Street, lower, Buffalo, New York. (Dkt. Nos. 24, 37). After briefing and oral argument of the motion, on May 3, 2013, Magistrate Judge McCarthy issued a Report and Recommendation recommending that defendant's motion to suppress be denied. (Dkt. No. 40).

On May 20, 2013, defendant Alvarez-Martinez filed objections to the Magistrate Judge's Report and Recommendation. (Dkt. No. 41). The United States filed a response on June 3, 2013 (Dkt. No. 43) and Court heard oral argument August 21, 2013.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a *de novo* determination of those portions of the Report and Recommendation to which objections have been made. Upon *de novo* review and after reviewing the

submissions of the parties and hearing oral argument, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, defendant's motion to suppress is denied in all respects. The parties shall appear before this Court on October 4, 2013 at a.m. for a status conference and/or meeting to set trial date.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: October 3, 2013